

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, a Trustee
of SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

No. C 08-96 CW (WDB)

**ORDER FOLLOWING OCTOBER 29,
2008 HEARING RE MOTION FOR
DEFAULT JUDGMENT**

Plaintiff.

AMPRO TOOLS
CORPORATION, a California
corporation,

Defendant.

On October 29, 2008, the Court conducted a hearing in connection with plaintiff's Motion for Default Judgment. For the reasons stated on the record, the Court orders as follows.

1. The Court will defer issuing its Report and Recommendation to Judge Wilken and establishes the following deadlines.

2. **By Monday, December 1, 2008**, counsel for defendant will file and serve a declaration from Scott Wang signed under penalty of perjury. Mr. Wang is to conduct an examination of business records in his possession, custody or control relating to sales in the United States of the three Accused Products identified by plaintiff. Mr. Wang's declaration must set forth (1) a description of the steps taken to

1 conduct that examination, (2) the period during which any of the Accused Products
2 were delivered to the United States, (3) the number of Accused Products sold in the
3 United States, (4) the gross revenue generated by all sales of Accused Products in the
4 United States, (5) a description of how sales of the products progressed through
5 Frenway, Ampro North America, and Ampro California, (6) a description of
6 Frenway's and Scott Wang's connections with Ampro North America and with
7 Ampro California, (7) an explanation of how labels bearing the Ampro registered
8 trademark came to be present on the Accused Products, and (8) any other information
9 necessary to facilitate good faith settlement discussions between the parties.

10 To the extent there is a representative of Ampro California or of Ampro North
11 America in the United States with personal knowledge of any matters discussed in Mr.
12 Wang's declaration, Mr. Kaser will attempt to obtain that representative's testimony,
13 sworn under penalty of perjury, for submission either within Mr. Wang's declaration
14 or via a separate declaration filed with the Court and delivered to counsel for plaintiff.

15 By submitting the declaration(s) described above Mr. Wang and Frenway do
16 not submit to the Court's jurisdiction or concede any ultimate facts pertaining to
17 liability or damages.

18 3. As discussed on the record, plaintiff promptly will provide Mr. Kaser
19 with information learned during plaintiff's investigation that may help Mr. Wang
20 respond to this order.

21 4. Following the above-described exchange of information the parties will
22 in good faith engage in settlement discussions.

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1 5. **On Monday, December 8, 2008, at 1:30 p.m.,** the Court will conduct a
2 telephonic status conference to discuss the state of the parties' settlement discussions.
3 Counsel for plaintiff will initiate the conference call and will telephone the Court at
4 (510)-637-3909 with defense counsel on the line.

5 IT IS SO ORDERED.

6 Dated: October 31, 2008


WAYNE D. BRAZIL
United States Magistrate Judge

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8 copies to:
9 parties of record,
10 CW, wdb, stats
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